

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LBT ENTERPRISES, LTD.,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-04-2806
	§	
COASTAL PILE CUTTERS, L.L.C.,	§	
	§	
Defendant.	§	

MEMORANDUM AND ORDER

Pending before the Court are the parties' claim construction briefs. Pursuant to the agreement of the parties, the Court hereby **ADOPTS** Plaintiff's construction of the terms "wedge-shaped profile" and "double beveled." The parties have further stipulated that they do not wish the court to construe the terms "substantially straight cutting edge," "cutter blade means," and "substantially linear cutting edge." The Court therefore refrains from construing those terms.

At the claim construction hearing held February 7, 2006, the parties agreed to construe the term "anvil" as meaning "a structural component having a portion of its surface in a confronting relationship with the cutting edge of the blade." The Court therefore **ADOPTS** the agreed construction. Thus, the only remaining dispute concerns the construction of the term "engaging." Plaintiff contends that the term means "entering into conflict with or interlocking with." Defendant argues that it means "positioned to be in contact with." After considering the parties' filings and oral arguments, the language of the patent, the accompanying specifications, and the prosecution history, the Court hereby **ADOPTS** Plaintiff's suggested construction.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 8th day of February, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**